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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,274	02/20/2002	Hiroyoshi Takeuchi	11-081	3052

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EXAMINER
FUREMAN, JARED

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	10/078,274	TAKEUCHI ET AL.
	Examiner	Art Unit
	Jared J. Fureman	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,6,7 and 10* is/are rejected.

7) ☒ Claim(s) *3-5,8 and 9* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>27 March 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All b) ☐ Some * c) ☐ None of:

   1. ☒ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2.   The corrected or substitute drawings were received on 3/27/2003. These drawings have been approved by the examiner.

Claim Objections

3.   Claims 1, 2, and 7 are objected to because of the following informalities:

Claim 1:

Line 5, "ID" should be replaced with --identification (ID)--, in order to clarify the claim.

Line 6, ":" should be replaced with --;--.

Claim 2, line 4: "ID" should be replaced with --identification (ID)--, in order to clarify the claim.

Claim 7:

Line 4: "ID" should be replaced with --identification (ID)--, in order to clarify the claim.

Lines 5, 13, and 15: ":" should be replaced with --;--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1,2, 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Markman (US 5,962,834) in view of He et al (US 2002/0088865 A1)

and Garber et al (US 2002/0167406 A1).

Markman teaches an optical data image decoding system and method

comprising: a data code label (10) comprising: a base (14), an optical data image

(barcode 20) representing data codes on the base; an identification tag (radio frequency

(RF) responsive code means 12) on the base including: data input and output means

(an antenna, not shown, for receiving and transmitting RF signals); and a memory (a

memory within the RF encoding element 12) having an identification data writing area

for storing identification data; optical data image reading means (a barcode scanner,

see figure 5) for reading the optical data image; decoding means (the use of the

barcode scanner necessitates decoding means) for decoding the data codes from the

optical data from the optical data image from the optical data image reading means to

obtain the decode data (see figures 1, 2, 5, column 1 lines 20-24, column 6 lines 41-54,

and column 7 lines 10-22).

Markman fails to specifically teach the optical data image representing

corresponding error correction codes; detecting means for detecting an error in the

decoding means; error-correction decoding means for error-correction-decoding the data codes with the error correction codes to obtain the data when the error is detected; the optical data image reader having a case.

He et al teaches a system and method including: an optical data image representing data codes (codewords) and corresponding error correction codes (error correction codewords); and an optical data image reading means (28) for reading the optical data image; decoding means for decoding the data codes from the optical data image reading means to obtain the decode data; detecting means for detecting an error in the decoding means; error-correction means for error-correction-decoding the data codes with the error correction codes to obtain the decode data when the error is detected; and the optical data image reader having a case (see figures 4, 16, 17, paragraphs 69-75 and 223-247).

In view of He et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system and method as taught by Markman, the optical data image representing corresponding error correction codes; detecting means for detecting an error in the decoding means; error-correction decoding means for error-correction-decoding the data codes with the error correction codes to obtain the data when the error is detected, in order to provide the ability to decode the optical data image even if part of the optical data image is damaged or unreadable.

Markman as modified by He et al fails to specifically teach the memory having a decode data writing area for storing decode data corresponding to at least a portion of the data codes received from the data input and output means; storing means for

storing the decode data obtained by the error-correction decoding means in the memory

through the input and output means.

Garber et al teaches a system and method including: an identification tag (figures

1A and 1B) including: input and output means (antenna 14); and a memory (within

integrated circuit 12) having an identification data writing are for storing identification

data (such as a unique tag serial number, stored in a reserved memory area) and a

decode data writing area (a user programmable memory) for storing decode data

corresponding to at least a portion of the data codes received from the data input and

output means, and storing means (within the device having both RF and barcode

reading capabilities) for storing the decode data obtained by the decoding means in the

memory through the input and output means (see figures 1A, 1B, paragraphs 29, 38,

64, 93, claims 1, 6, and 7).

In view of Garber et al's teachings, it would have been obvious to one of ordinary

skill in the art at the time of the invention to include, with the system and method as

taught by Markman as modified by He et al, the memory having a decode data writing

area for storing decode data corresponding to at least a portion of the data codes

received from the data input and output means, and storing means for storing the

decode data obtained by the error-correction decoding means in the memory through

the input and output means, in order to provide a greater amount of memory storage

and to provide a user programmable memory area, thereby providing greater flexibility

and versatility.

Allowable Subject Matter

6.   Claims 3-5, 8, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7.   The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: a system and method for decoding data codes including reading means for reading the decode data corresponding to one of the data codes showing the error from the memory through the input and output means when the error is detected; obtaining means for obtaining the decode data in the memory when the error rate from the first calculating means is higher than a reference and the error is detected by the detection means; in combination with the other claimed limitations as set forth in the claims.

While the combination of Markman, He et al and Garber et al teach storing error-corrected data in the memory of a data code label, there is no suggestion to read the data from the memory when an error is detected or when an error rate is greater than a reference level. Following He et al's teachings, one of ordinary skill in the art at the time of the invention would simply correct the errors each time the errors occurred when reading the optical data image. Thus, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the prior art in a manner so as to create the claimed invention.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Ackley et al (US 6,371,375 B1), Ohanian et al (US 6,109,526),

Wiklof et al (US 6,056,199), Koda et al (US 5,984,176), Rawson, Sr. et al (US

5,949,059), Eisenberg et al (US 2002/0196126 A1), Iseya et al (JP 2000-112354 A),

and Uchida et al (JP 10-40329 A) all teach data code labels, systems, and methods for

reading the data code labels.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jared J. Fureman whose telephone number is (703)

305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and

every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 308-7722

for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

August 11, 2003

Jared J. Fureman

Art Unit 2876